

AUG 16, 2021

CLERK US DISTRICT COURT
DISTRICT OF NEVADA

BY: _____ DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID RESENDEZ,

Defendant.

2:20-CR-116-RFB-BNW

Final Order of Forfeiture

The United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2) and 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c) based upon the plea of guilty by David Resendez to the criminal offense, forfeiting the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and shown by the United States to have the requisite nexus to the offense to which David Resendez pled guilty. Criminal Indictment, ECF No. 14; Plea Agreement, ECF No. 32; Change of Plea, ECF No. 33; Preliminary Order of Forfeiture, ECF No. 35.

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

The government served every person reasonably identified as a potential claimant in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp. Rule G(4)(a)(i)(A).

1 This Court finds the United States notified known third parties by regular mail and
2 certified mail return receipt requested of their right to petition the Court. Notice of Filing
3 Service of Process – Mailing, ECF No. 36.

4 On April 13, 2021, the United States Attorney's Office served Emily Breznau with
5 copies of the Preliminary Order of Forfeiture and the Notice through regular mail and
6 certified mail return receipt requested. Notice of Filing Service of Process – Mailing
7 Exhibits, ECF No. 36-1, p. 3, 5-7, 9-11, 13-15.

8 On April 13, 2021, the United States Attorney's Office attempted to serve Emily
9 Breznau with copies of the Preliminary Order of Forfeiture and the Notice through regular
10 mail and certified mail return receipt requested. The certified mail was returned as the
11 address is vacant. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 36-1, p.
12 3, 5-7, 9-11, 16-18.

13 On June 21, 2021, the United States filed a proposed Stipulation for Entry of Order
14 of Forfeiture as to Emily Breznau, and Order, ECF No. 40.

15 On July 7, 2021, the Court granted the Stipulation for Entry of Order of Forfeiture as
16 to Emily Breznau, ECF No. 41.

17 This Court finds no other petition was filed herein by or on behalf of any person or
18 entity and the time for filing such petitions and claims has expired.

19 This Court finds no petitions are pending regarding the property named herein and
20 the time has expired for presenting such petitions.

21 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
22 all possessory rights, ownership rights, and all rights, titles, and interests in the property
23 hereinafter described are condemned, forfeited, and vested in the United States pursuant to
24 Fed. R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C.
25 § 924(d)(1) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(n)(7) and shall be disposed of
26 according to law:

- 27 1. a Beretta 9mm handgun, bearing serial number PX7110T; and
- 28 2. any and all compatible ammunition

1 (all of which constitutes property).

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
3 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
4 deposit, as well as any income derived as a result of the government's management of any
5 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
6 disposed of according to law and the Stipulation.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
8 copies of this Order to all counsel of record.

9 DATED August 12, 2021.

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13 RICHARD F. BOULWARE, II
14 UNITED STATES DISTRICT JUDGE
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